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Canada

Notes for a Speech

The Honourable Anne McLellan
Minister of Justice and
Attorney General of Canada

Federal Prosecution Service Conference

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As delivered

I am very pleased to have the opportunity to address the annual conference of the Federal Prosecution Service. While I would obviously have preferred to be with you in person, a long-standing commitment in western Canada has made that impossible. However, I wanted to have the opportunity to share some of my thoughts with you as you begin your 20th annual proceedings.

This type of activity is important, for both personal and professional reasons. This conference is one of those rare occasions where federal prosecutors nation wide can meet, re-establish old friendships and exchange knowledge.

This type of conference helps build team spirit and teamwork, both of which are essential to our national prosecution service.

You are the ones representing me in courts from sea to sea and from the U.S. border to the northern regions of the three territories. Although telephone conferences may help strengthen ties within the Federal Prosecution Service, events like today's conference show you just how national your organization really is.

As we look to the challenges of the 21st century, it is necessary that the federal prosecutors continue to exemplify what "the Crown" stands for in the Canadian criminal justice system: a symbol of integrity and public service.

These qualities are basic to the credibility of the criminal justice system, the maintenance of civil society, the protection of the rights of Canadians, and the fulfillment of Canada's international interests and obligations.

The role of a prosecutor in the 21st century is not simple. And your work is going to become even more complex, challenging, and multifaceted.

Organized crime, the globalization of crime and expansion of transnational cross-jurisdictional criminality are adding complexity to a practice that has already been transformed by the *Charter of Rights and Freedoms*.

Technology is another factor that prosecutors of the 21st century have to master; whether it is the communications technology employed by the criminal element, or the technology that you increasingly use in and out of the courtroom.

The work of a prosecutor in the 21st century is very different from the role of the prosecutor before the *Charter*, and before the burgeoning of the communications revolution. A federal prosecutor in the 21st century cannot function as a 'one wolf' but rather as a team player on a multidisciplinary squad, more and more working with provincial and international colleagues.

I think it would be fair to say that the role of the Attorney General of Canada, as exercised by the Federal Prosecution Service, is not as well known as is the role of the Minister of Justice. Traditionally, the role of the Minister of Justice, as the molder of public policy in developing and reforming the law, has had more public recognition than that of the Attorney General.

Only those who are part of, or are connected with, the criminal justice system, have an appreciation of the role of the Attorney General and, by extension, your role.

I see these two roles, Minister of Justice on the one hand and Attorney General on the other hand, as being complementary. As Minister of Justice, I propose and sponsor changes to the law. As Attorney General, my office, through you, is represented in courts daily, ensuring fair trial and due process on the basis of existing law and by influencing interpretation of that law.

To take a practical example, we all know that organized crime is a real and pressing problem. It has profound social and economic impacts. Its effects are insidious and pervasive, affecting the lives of each of us directly or indirectly.

As you well know, organized crime takes many forms: drug-related violence, murder and bombings, the victimization of the elderly through telemarketing fraud, credit card fraud, prostitution and the smuggling of commodities and of people.

Most of the latter offences fall within the responsibilities of my provincial colleagues, but drugs remain the commodity of choice of organized crime, and drug-related prosecutions comprise a large component of your practice.

When one looks at the Canadian criminal landscape, the statistics are daunting:

- estimates place the Canadian illicit drug market at between $7 and $10 billion annually.
- economic crime costs Canadians at least $5 billion annually.
- between $5 and $17 billion is laundered in Canada each year.
- smuggling of tobacco, alcohol and jewellery may cost the Government treasury some $1.5 billion every year in lost revenues.

Wearing my Minister of Justice hat, I am proud that I can point to a number of significant initiatives that help to give substance to the Government's commitment to provide Canadians with safe streets, safe communities and safe and secure borders.

These initiatives include:

- the 1994 Anti-Smuggling Initiative, targeted against the smuggling of alcohol and tobacco, which was renewed in 1997
- the *Witness Protection Program Act* (1996)
- the institution of the National Forum on Organized Crime, which brings together police, federal and provincial governments, the private sector, the legal community and academics,

and promotes more national co-ordination.

- the expansion of the former three Integrated Drug Profiteering Units to thirteen Integrated Proceeds of Crime Units, which bring Justice, the RCMP and Revenue resources under one roof.
- significant amendments to the *Criminal Code*, particularly C-95, and its package of anti-gang measures
- the *Controlled Drugs* and *Substances Act* (May 1997) which modernized Canada's approach to drug control
- the establishment in 1997 of the Cross-Border Crime Forum to improve information sharing between the United States and Canadian jurisdictions
- new legislation to improve the detection, prevention and deterrence of money laundering in Canada, including the creation in the Department of Finance of the new Financial Transactions and Reports Analysis Centre
- the passage of the new *Extradition Act* which significantly modernizes Canada's extradition procedures
- review of the intimidation provisions of the *Criminal Code*.

This list is by no means comprehensive, but it does illustrate the commitment of the Government to further a legislative and policy agenda that addresses organized crime, and in a way that is intended to assist you in doing your job.

As the management consultant Peter Drucker so aptly put, "all good plans must degenerate into work". New legislation means new work for federal prosecutors. And it is the daily work of federal prosecutors in court that gives shape and substance to the intent of the legislation passed in Parliament.

It goes without saying that the effective curtailment of criminal activity is achieved by the collective efforts of all parts of the criminal justice system, from prevention to enforcement to apprehension and prosecution. However, in my view it is the final stage, the successful prosecution of cases, that is critical; otherwise all preceding work is neutralized.

In developing the government's strategic and legislative program, I count on you, as my representatives in the criminal justice system, to keep me informed of new tools it would be useful to develop and legislative amendments I should table as Minister of Justice, in order to help you better represent me in my role as Attorney General of Canada.

I understand that the demands and expectations placed on federal prosecutors are greater than in the past, both nationally and internationally.

Internationally, you are expected to contribute more to the fight against transnational organised crime and, through international or other agreements, to be leaders and providers of assistance to more disadvantaged governments.

In North America, the Federal Prosecution Service plays an important role in proving Canada's national capacity to meet the requirements of border security agreements.

As Attorney General I am proud, very proud of the work you do. On occasions such as this conference I think we should take the opportunity to celebrate some of your signal successes. Looking back over the past year, two cases come to mind. The Caruana and OCG prosecutions in Toronto. I could find examples in all jurisdictions, but I know you know the reasons why I have selected these two.

The domestic public demands on you are divergent. On the one hand, there are calls for a tougher

justice system to deal with drug dealers and violent criminals. On the other hand, Canadians want a more finely calibrated system to deal with first time offenders, minorities and the disadvantaged elements of society.

Moreover, your responsibilities are ever growing. At the dawn of the twenty-first century, prosecutors must provide advice throughout the various stages of criminal investigations and participate in crime prevention and community assistance programs. They must also be sensitive to diversity issues, Aboriginal concerns, victim rights and alternatives to traditional sentencing. The constraints on your hours of work outside the court will only continue to increase.

I know you work hard and long. I know that the pressures that you face day-in and day-out in court are onerous. I know that many of you make significant personal sacrifices to do your job to the standard that you believe the Crown deserves. I know that many of you do work outside of your caseload, and outside of the courtroom, in the interests of promoting a better understanding of the criminal justice system. I know that your role is poorly understood in a society that learns of the processes of law through the medium of television, and, dare I say, U.S. television at that.

Some might say that your job representing me is a thankless one. However, I know that as long as you and I share the same sense of steadfast respect for our criminal justice system, and a desire to find ways to improve, sensitize, modernize and expedite the delivery of criminal justice, we are contributing to the betterment of Canadian society.

I know what a difference you make every day in courtrooms all over this country and I intend to find ways to improve public understanding of the important role you play in helping to deter the operations of organized crime in Canada. We have recently improved the financial standing of the Federal Prosecution Service, and I want you to know that I will continue to do all that I can to make sure that you are adequately resourced and supplied with the tools that you need to do your jobs in these challenging times.

I hope your conference is productive, and I look forward to hearing of your deliberations.

Thank you very much and enjoy the conference.

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